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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,127	06/24/2003	Ernest Wilford Looman JR.	DN2002197/GYTR-06	9895

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EXAMINER	
EASHOO, MARK	
ART UNIT	**PAPER NUMBER**
1732	

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/602,127	LOOMAN ET AL.	
	Examiner	Art Unit	
	Mark Eashoo, Ph.D.	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) *25-30* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-7,9,10,12-14,16-19,21,22 and 24* is/are rejected.

7)☒ Claim(s) *3,8,11,15,20 and 23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *n/a*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election of claim group I, claims 1-24, filed 02-MAR-2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected 25-30, there being no allowable generic or linking claim. Election was made without traverse on 02-MAR-2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Chisholm et al. (US Pat. 3,557,265).

Regarding claim 1: Chisholm et al. teaches the claimed performer, comprising: a flow inlet configured to receive material from an extruder (Figs. 1 and 4, element 18); a flow outlet forming a sheet, which is capable of being placed onto a roller (Figs. 1 and 4, element 19); a laterally expanding flow channel extending from an inlet to an outlet (Fig. 4, lateral sides of element 17); and a flow restrictor disposed within a flow channel having a length substantially from inlet to out (Fig. 4, horizontal sides of element 17).

It is noted that the horizontal sides, in this case, forms a surface of the transition piece and function as a flow restrictor since a flow restrictor disposed within a flow channel inherently becomes a wall of the channel. Therefore, as claimed there is no substantial difference between structure which serve the same or equivalent function.

Regarding claim 2: Chisholm et al. teaches that the bottom walls of the transition piece gradually increases in height from the bottom of the inlet to the bottom of the outlet (Fig. 4).

Claims 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Chisholm et al. (US Pat. 3,557,265).

Regarding claims 5-6: Chisholm et al. teaches the claimed performer, comprising: a flow inlet configured to receive material from an extruder (Figs. 1 and 4, element 18); a flow outlet forming a sheet, which is capable of being placed onto a roller (Figs. 1 and 4, element 19); a laterally expanding flow channel extending from an inlet to an outlet (Fig. 4, lateral sides of element 17); and a flow restrictor disposed within a flow channel having a length substantially from inlet to out, which narrows the height of the flow outlet in a central portion thereof (Fig. 4, horizontal sides of element 17).

It is noted that the horizontal sides, in this case, forms a surface of the transition piece and function as a flow restrictor since a flow restrictor disposed within a flow channel inherently becomes a wall of the channel. Therefore, as claimed there is no substantial difference between structure which serve the same or equivalent function.

Regarding claim 7: Chisholm et al. teaches that the bottom walls of the transition piece gradually increases in height from the bottom of the inlet to the bottom of the outlet (Fig. 4).

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Chisholm et al. (US Pat. 3,557,265).

Regarding claim 10: Chisholm et al. teaches the claimed performer, comprising: a flow inlet configured to receive material from an extruder (Figs. 1 and 4, element 18); a flow outlet forming a sheet, which is capable of being placed onto a roller (Figs. 1 and 4, element 19); a laterally expanding flow channel extending from an inlet to an outlet (Fig. 4, lateral sides of element 17); and a flow restrictor disposed within a flow channel having a length substantially from inlet to out, which that the bottom walls of the transition piece gradually increases in height from the bottom of the inlet to the bottom of the outlet (Fig. 4, horizontal sides of element 17).

It is noted that the horizontal sides, in this case, forms a surface of the transition piece and function as a flow restrictor since a flow restrictor disposed within a flow channel inherently becomes a wall of the channel. Therefore, as claimed there is no substantial difference between structure which serve the same or equivalent function.

Claims 1-2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Geyer (US Pat. 3,871,810).

Regarding claim 1: Geyer teaches the claimed performer, comprising: a flow inlet configured to receive material from an extruder (Fig. 6); a flow outlet forming a sheet, which is capable of being placed onto a roller (Figs. 2 and 6); a laterally expanding flow channel extending from an inlet to an outlet (Figs. 6-15); and a flow restrictor disposed within a flow channel having a length substantially from inlet to out (Figs.6-15).

Regarding claim 2: Geyer further teaches a flow restrictor that increases in height along the length thereof (Figs. 6-15).

Regarding claim 4: Geyer further teaches a die plate(Fig. 2, elements 122 and 120).

Claims 5-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Geyer (US Pat. 3,871,810).

Regarding claims 5 and 6: Geyer teaches the claimed performer, comprising: a flow inlet configured to receive material from an extruder (Fig. 6); a flow outlet forming a sheet, which is capable of being placed onto a roller (Figs. 2 and 6); a laterally expanding flow channel extending from an inlet to an outlet (Figs. 6-15); and a flow restrictor disposed within a flow channel having a length substantially from inlet to out and that narrows a central portion of the flow channel (Figs.6-15).

Regarding claim 7: Geyer further teaches a flow restrictor that increases in height along the length thereof (Figs. 6-15).

Regarding claim 9: Geyer further teaches a die plate(Fig. 2, elements 122 and 120).

Claims 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Geyer (US Pat. 3,871,810).

Regarding claims 10 and 12: Geyer teaches the claimed performer, comprising: a flow inlet configured to receive material from an extruder (Fig. 6); a flow outlet forming a sheet, which is capable of being placed onto a roller (Figs. 2 and 6); a laterally expanding flow channel extending from an inlet to an outlet (Figs. 6-15); and a flow restrictor disposed within a flow channel having a length substantially from inlet to out and that narrows a central portion of the flow channel (Figs.6-15). Geyer further teaches a flow restrictor that increases in height along the length thereof (Figs. 6-15). Geyer also teaches a die plate(Fig. 2, elements 122 and 120).

Claims 13-14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Geyer (US Pat. 3,871,810).

Regarding claim 13: Geyer teaches the claimed extrusion system, comprising: a roller (Fig. 2); an extruder (Fig. 2); a flow inlet configured to receive material from an extruder (Fig. 6); a flow outlet forming a sheet, which is capable of being placed onto a roller (Figs. 2 and 6); a laterally expanding flow channel extending from an inlet to an outlet (Figs. 6-15); and a flow restrictor disposed within a flow channel having a length substantially from inlet to out (Figs.6-15).

Regarding claim 14: Geyer further teaches a flow restrictor that increases in height along the length thereof (Figs. 6-15).

Regarding claim 16: Geyer further teaches a die plate(Fig. 2, elements 122 and 120).

Claims 17-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Geyer (US Pat. 3,871,810).

Regarding claims 17 and 18: Geyer teaches the claimed extrusion system, comprising: a roller (Fig. 2); an extruder (Fig. 2); a flow inlet configured to receive material from an extruder (Fig. 6); a flow outlet forming a sheet, which is capable of being placed onto a roller (Figs. 2 and 6); a laterally expanding flow channel extending from an inlet to an outlet (Figs. 6-15); and a flow restrictor disposed within a flow channel having a length substantially from inlet to out and that narrows a central portion of the flow channel (Figs.6-15).

Regarding claim 19: Geyer further teaches a flow restrictor that increases in height along the length thereof (Figs. 6-15).

Regarding claim 21: Geyer further teaches a die plate(Fig. 2, elements 122 and 120).

Claims 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Geyer (US Pat. 3,871,810).

Regarding claims 22 and 24: Geyer teaches the claimed extrusion system, comprising: a roller (Fig. 2); an extruder (Fig. 2); a flow inlet configured to receive material from an extruder (Fig. 6); a flow outlet forming a sheet, which is capable of being placed onto a roller (Figs. 2 and 6); a laterally expanding flow channel extending from an inlet to an outlet (Figs. 6-15); and a flow restrictor disposed within a flow channel having a length substantially from inlet to out and that narrows a central portion of the flow channel (Figs.6-15). Geyer further teaches a flow restrictor that increases in height along the length thereof (Figs. 6-15). Geyer also teaches a die plate(Fig. 2, elements 122 and 120).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meienberg, Gohlisch et al., Boguslawski et al., Kohlepp et al., Curtiss, Nixon et al., Kline et al., Ohki et al., Giesbrecht and Looman et al. al teach the basic state of the art.

Allowable Subject Matter

Claims 3, 8, 11, 15, 20 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach or suggest a generally constant lateral width of a flow restrictor in a performer having a laterally expanding flow channel.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Eashoo, Ph.D. whose telephone number is (571) 272-1197. The examiner can normally be reached on 7am-3pm EST, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Eashoo, Ph.D.
Primary Examiner
Art Unit 1732

17 May 2004
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17/May/04